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PAPER NO. 11

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Miller Art Unit 216
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Before the Board of Appeals

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FOR
APPELLANT

Examiner's Answer

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BOARD OF APPEALS

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This is an appeal from the final rejection of claims 1,3,5,6,8, 11-14, 16,18,20 and 21. No claims have been allowed.

A correct copy of the appealed claims appears on pages 1-4 of the Appellants' brief except in claim 8, line 6, "surfaces" should be "edges" (Amendment C, July 23, 1984, page 1), claim 13, line 1, "this step" should be "the steps" (Amendment C, July 23, 1984, pagel) and claim 16, last line, "smoothed" should be "smooth (Amendment C, July 23, 1984, page 1). There are two typographical errors in the original specification that have been copied in the claims. In claim 12, line 2, "of" should be "on" and in claim 21, line 9, "lock-up" should be "look-up".

GROUNDS OF REJECTION

Claims 1,3,5,6,8, 11-14,16,18,20 and 21 are rejected under 35 U.S.C. 102 (e) as being clearly anticipated by Yamada et al or Tsuzuki et al.

REBUTTAL TO APPLICANT'S ARGUMENTS FOR ALLOWANCE

The applicants have broadly claimed an electronic printer that is disclosed in three embodiments as a light directed to a photo-receptive surface (Figure 1), ink-jet (Figure 3) and thermal printer (Figure 7). An example of the end product of the invention is the letter A shown in Figure 5, comprised of different size dots. The breadth of the claims is such that only ink-jet references are used as a basis for rejection.

The distinguishing feature that the applicants argue cannot be found in the prior art is the look-up table. The applicants do not deny that Yamada et al or

Tsuzuki et al have look-up tables. They argue that the look-up tables are for different purposes. For example, on pages 7-10, it is argued that Tsuzuki does not anticipate the applicants' claims because it is designed to maintain constant velocity for various sized ink drops regardless of the size. They argue that thus there is "no teaching in Tsuzuki et al of a geometrical relationship of the dots". This is rebutted by Tsuzuki et al's disclosure that their objective is the "reproduction of finer letters and patterns" (column 1, lines 52-53). They accomplish this by using various dot sizes and controlling the velocity of the dots to obtain proper placement to achieve finer letters and patterns.

On pages 10-13, it is argued by the applicants that Yamada et al does not anticipate the applicants claims because "there is no random selection of their dots. They are only able to produce large dots individually, small dots individually, or are able to alternate between large and small dots. They have no ability in their continuous droplet type ink jet printer for obtaining characters with smooth edges because they are unable to intermesh different size dots at will". A close reading of all the rejected claims will show that if this is all Yamada can do, it is sufficient to meet the applicants' claims. Figure 13 of Yamada shows a "1" comprised of two sizes of dots (two sizes satisfies the applicants' claimed "different dot sizes" of claim 1 and claim 16 or the "various size dots" of claim 6) with the dot sizes controlled and placed so that they intermesh to produce a finer figure than if all large dots were

used.

The applicants refer to an Exhibit A to show that "Yamada et al cannot produce characters having smooth edges". Exhibit A was not provided but it would not have helped the argument since no distinguishing features in the rejected claims have been pinpointed to show that specifically recited features could do something different than Yamada et al.

The applicants are no less limited to their look-up tables than are Tsuzuki et al and Yamada et al . "Intermeshing" means no more than "overlapping" in this invention.

Applicants point on page 9 that claims 16 and 21, and those claims dependent thereon require a plurality of look-up tables and this cannot be found in Tsuzuki et al. The purpose of these plural tables is to provide maps that can be overlayed for each size dot to provide the composite figure. Tsuzuki et al does not explicitly disclose this feature but Yamada et al does. In figure 14 of Yamada et al, elements 21a and 21b provide the maps for the large drops and the small drops, just as the applicants show in their Figures 4a,4b and 4c. Claims 16 and 21 each recite a "plurality of maps" and two is a plurality.

CONCLUSION

The applicants have generally argued against the anticipation by Tsuzuki et al and Yamada et al of their invention. These arguments will not hold up to a close reading of the claims and an analysis of Tsuzuki et al and Yamada et al. Only in regard to claims 16 and 21,

and those claims dependent thereon, do the applicants specifically point out a feature in the claims that cannot be found in Tsuzuki et al, viz. a plurality of maps. However, Yamada et al does include a plurality of maps and these claims were rejected over Yamada et al.

Applicants have failed to show how specific features in their claims can distinguish over the disclosed features of Tsuzuki et al and Yamada et al.

The examiner requests notice of any scheduled oral hearing and the right to participate.

Miller/rb

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